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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,157	07/13/2006	Anthony H. Bergman	US040012	6902
24737 7590 02/25/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
LIANG, LEONARD S				
ART UNIT		PAPER NUMBER		
2853				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/597,157

**Applicant(s)**

BERGMAN ET AL.

**Examiner**

LEONARD S. LIANG

**Art Unit**

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-22 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date 07/13/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings and Specification***

The drawings are objected to because the method steps in figure 5 are blank. It is requested that the applicant fill in the blank boxes. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Also, the abstract does not need to contain reference numbers. The applicant may consider removing reference numbers from the abstract.

### ***Claim Objections***

Claims 1, 6, 8, 15, and 20 are objected to because of the following informalities:  
The claims do not need to contain reference numbers. The applicant may consider removing reference numbers from the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

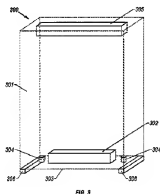
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (US Pat 6357939).

Baron discloses:

- {claim 1} An electronic brush (figures 3 and 5, reference 300) for dispensing ink (figure 3, reference 302; column 4, lines 54-55) onto a writable medium (figure 5, reference 201), the electronic brush comprising: an electronic-brush housing (figure 3, reference 301); at least one ink dispenser (figure 3, reference 302) coupled to the electronic-brush housing; an electronic-brush scanner (figure 3, reference 304) coupled to the electronic-brush housing; and a controller in electrical communication with the ink dispenser and the electronic-brush scanner (column 3, lines 34-45); wherein a position of the electronic brush is determined based on at least one position indicator in a first position of a

dispensed image that is scanned by the electronic-brush scanner and communicated to the controller (column 3, lines 8-65; see "servo marks"); wherein an ink-dispense signal is sent from the controller to the ink dispenser based on the determined electronic-brush position (column 3, lines 8-15)



- {claim 2} wherein the writable medium is selected from the group consisting of a whiteboard, a wall, a poster, a billboard, a fabric, a notebook, a sheet of paper, a piece of cardboard, a non-paper material, and a writable surface (column 4, lines 52-55)
- {claim 3} wherein the ink dispenser is selected from the group consisting of an inkjet cartridge, a solid-ink printhead, a dry-ink printhead, a dot matrix printhead, an actuatable felt-tip pen, a non-contact ink dispenser, an ink ejection nozzle, a glue dispenser, and a liquid dispenser (figure 1, reference 102; figure 3, reference 302; column 4, lines 54-55)
- {claim 4} wherein the electronic-brush scanner includes one of an optical scanner and at least one imaging array (figure 3, references 304-305)

- {claim 5} wherein the controller is wired to or wirelessly connected to the ink dispenser and the electronic-brush scanner (figure 1, references 102, 104, 108)
- {claim 6} at least one position detector (figure 3, reference 304) coupled to the electronic brush for determining an initial position of the electronic brush (column 3, lines 8-65)
- {claim 7} wherein the position detector is selected from the group consisting of a wheel position detector, a trackball, an optical mouse, an ultrasonic transducer attached to the electronic brush, an ultrasonic transducer attached to the writable medium, a tilt sensor, and a global positioning system unit (column 7, lines 24-26)

***Allowable Subject Matter***

Claims 8-22 are allowed.

The following is an examiner's statement of reasons for allowance:

The allowable limitation in independent claim 8 is "modifying image data to embed a second position indicator in a second portion of the image based on the determined position of the electronic brush."

The allowable limitation in independent claim 20 is "means for modifying image data to embed a second position indicator in a second portion of the image based on the determined position of the electronic brush."

In Baron, the position indicators are printed on the medium as servo marks. These marks are not taught to be printed during the image printing process, but are located on the medium independent of the printing operation. There is no teaching of modifying the image data to embed a second position indicator in a second portion of the image based on the determined position of the electronic brush.

Another piece of art that is pertinent to the claimed invention is Walling (WO 03/006249). Unlike, Baron, Walling does teach printing a pattern that is used to determine its position. However, Walling does not adjust image data during the printing process. The raster of position indicators is stored in the printer's memory before the printing operation. There is also no teaching of modifying image data to embed a second position indicator in a second portion of the image based on the determined position of the electronic brush.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishikawa (JP Pat 63053084 A) discloses a recorder.

Fushimoto (JP 58098269 A) discloses an electronic apparatus with printer.

Shinohara (JP 63053068 A) discloses a manual scanning type recorder.

Tatsuno et al (JP 59145166 A) discloses a hand-held printer.

Walling (US PgPub 20050018033) discloses hand-held and hand-operated device and printing method for such a device.

Brouhon et al (US Pat 6962450) discloses methods and apparatus for generating images.

Wiklof et al (US Pat 5825995) discloses a printer with motion detection.

Yamauchi et al (US Pat 4949283) discloses a manually sweepable printing apparatus.

Bohn et al (US Pat 6002124) discloses a portable image scanner with optical position sensors.

Ishigaki (US Pat 4933867) discloses a printing apparatus.

Yamada (US Pat 5927872) discloses a handy printing system.

Sano et al (US Pat 4899228) discloses a manually sweeping apparatus with image sensor.

Matsumoto (US PgPub 20020154186) discloses a liquid droplet ejecting apparatus.

Trent (US Pat 6942335) discloses a hand held electronic paint brush.

Tideman, Jr. (US Pat 6467978) discloses a large surface image reproduction system.

Hardisty et al (US Pat 6648528) discloses stationary media mobile printing.

Saund et al (US PgPub 20050135857) discloses a hand-propelled wand printer.



Walling (US Pat 6846119) discloses a method and handheld device for printing.

Birk (US Pat 5446559) discloses a method and apparatus for scanning and printing.

Krzyminski (US Pat 5986769) discloses a hand-held instrument for reflection measuring on printed sheets and test charts.

Avida (US Pat 6116707) discloses a robotic plotter system

Yanigisawa et al (US pat 5063451) discloses a hand held recording apparatus with window on lower body portion for viewing recording position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD S. LIANG whose telephone number is (571)272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. S. L./  
Examiner, Art Unit 2853  
02/22/10

/Stephen D Meier/  
Supervisory Patent Examiner, Art Unit 2853